

**BEFORE THE  
SOUTH CAROLINA PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA**

**DOCKET NO. 2007-402-C**

<b>In the Matter of</b>	)	
	)	
<b>Application of HTC</b>	)	
<b>Communications, LLC</b>	)	
<b>For Designation as an Eligible</b>	)	<b>MOTION FOR CONFIDENTIAL</b>
<b>Telecommunications Carrier Pursuant</b>	)	<b>TREATMENT</b>
<b>to Section 241(e)(2) of the</b>	)	
<b>Communications Act of 1934</b>	)	

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HTC Communications, LLC ("HTCC", the "Applicant") hereby submits this Motion pursuant to S.C.Code Ann. § 30-4-40(a)(1) (Supp. 2006) to request confidential treatment of the network improvement plan filed in support of its Application for Designation as an Eligible Telecommunications Carrier ("ETC") in the State of South Carolina ("Application"). Specifically HTCC requests an order by this Commission, (1) declaring that its network improvement plan, including all attachments thereto are confidential and proprietary; (2) affording the network improvement plan confidential treatment; and (3) protecting the network improvement plan from public disclosure. In support hereof, the following is respectfully shown:

1. The name and address and of the Applicant are as follows:

HTC Communications, LLC  
3480 Highway 701 North  
P.O. Box 1820  
Conway, SC 29528-1820

2. Correspondence or inquiries regarding this Motion should be directed to:

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3. HTCC's network improvement plan includes multiple maps demonstrating projected improvement and expansion in signal coverage with and without access to federal high-cost universal service support. Those maps also show HTC's current network coverage, specific locations of current cell sites, specific locations of planned cell sites and an estimate of additional voice coverage that will result from investments both with and without federal universal service support. The network improvement plan also includes several charts that show planned capital expenditures and time lines related to the construction of proposed ETC cell sites.
4. Pursuant to the South Carolina Freedom of Information Act ("SCFOIA"), this Commission is permitted to withhold from public inspection certain categories of information, including trade secrets. "Trade secret" is defined, in pertinent part, as "unpatented, secret, *commercially valuable plans*, appliances, formulas, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities . . . which are generally recognized as confidential and work products." S.C. Code Ann. § 30-4-40(a)(1) (emphasis added).
5. Both HTCC's projected network improvements and its cell site and network coverage maps contain proprietary business and technical information regarding HTCC's telecommunications network in South Carolina. The public disclosure of these materials would cause serious competitive harm to the company and would reveal confidential details pertaining to HTCC's network infrastructure, customer base,

marketing strategies and the company's competitive position in the South Carolina telecommunications marketplace. Because this information goes to the heart of the company's business planning and competitive strategy, its public disclosure would be both economically damaging to HTCC and economically advantageous to its competitors.

6. HTCC treats the information contained in its network improvement plan as confidential and highly proprietary. The detailed budgeting, cell site location, and signal coverage information in these materials is known only to authorized HTCC employees and undersigned counsel. HTCC does not publicly disclose this information. The cell site and coverage maps attached as exhibits to the network improvement plan provide substantially more detailed information than is publicly available on its web site. Moreover, the exhibits here at issue provide that detailed information extending two years into the future, whereas the map on its web site only shows existing coverage.
7. The materials in question are "generally recognized as confidential" as required under the SCFOIA. Capital/operating expenditure data and cell site location/network coverage maps submitted in support of network improvement plans by wireless ETCs or ETC applicants have routinely been accorded confidential treatment and withheld from public inspection by the Federal Communications Commission, regulatory agencies in other states, and this Commission.<sup>1</sup>

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<sup>1</sup> See, e.g., *Federal-State Joint Board on Universal Service, Sprint Corp.*, 19 FCC Rcd 22663, 22667, n.28 (2004) (granting confidential treatment to "lists of new and upgraded cell sites, with accompanying cost data" submitted in support of wireless carrier's ETC application); *Petition of FTC, Inc. for Designation as an Eligible Telecommunications Carrier*, Docket No. 2007-193-C, Commission Directive (SC PSC, May 23, 2007).

## CONCLUSION

For the above stated reasons, HTCC requests that the Commission enter an order finding that HTCC's network improvement plan is proprietary and confidential, and that the Commission will treat the plan as such to avoid disclosure of the plan and its contents to HTCC's competitors and the public. This confidential treatment is necessary to protect the company's proprietary trade secret information and competitive position in the South Carolina telecommunications marketplace.

HTCC hereby submits in a sealed envelope for in camera inspection by the Commission the material for which protection is being sought, designated as HTCC's Network Improvement Plan, and requests that the Commission preserve the confidentiality of that document, and its attachments, while this motion is under consideration and return the Network Improvement Plan to HTCC via its undersigned counsel in the event that this motion is denied.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

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